

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JONATHAN MORNING

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-156-JMV

**NANCY A. BERRYHILL,
ACTING COMMISSIONER OF
SOCIAL SECURITY**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the court are Plaintiff's motion [26] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [27]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [25] dated February 28, 2019, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$3,307.50 for 17.5 hours of attorney time before this court on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not "substantially justified." Defendant indicates she has no objection to Plaintiff's motion but, nevertheless, points out that any award should be made payable directly to Plaintiff.

The court, having thoroughly considered the motion, the response, and the applicable law, finds the requested award is reasonable, and no special circumstance would make the award unjust. I further find the award should be paid directly to Plaintiff pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521 (2010).

THEREFORE, IT IS ORDERED:

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$3,307.50 in attorney fees for the benefit of counsel for Plaintiff.

This 1st day of May, 2019.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE